

CHAPTER 18 NON-RESIDENTIAL CUSTOMER'S RIGHTS

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1800 NON-RESIDENTIAL CUSTOMER INQUIRIES AND COMPLAINTS

- 1800.1 A utility shall, in accordance with this section, establish procedures which will ensure the prompt, efficient, and thorough receipt, investigation, and where possible, resolution of all non-residential customer inquiries, service requests and complaints regarding commercial utility service and charges.
- 1800.2 Qualified utility personnel (customer service representatives) shall be available and prepared at all times during normal business hours to receive and discuss all non-residential customer inquiries, service requests and complaints.
- 1800.3 The utility shall make reasonable arrangements to ensure that foreign language-speaking service representatives are available for non-English-speaking customers.
- 1800.4 Utility supervisory personnel shall be available during normal business hours to discuss non-residential customer complaints which are not resolved through contact with customer service representatives.
- 1800.5 Qualified personnel shall be available during normal business hours to respond to customer calls regarding interruption or termination of service or emergency conditions.
- 1800.6 In every case of dispute between a non-residential customer and a utility, the first attempt at resolution shall be made directly between the parties.
- 1800.7 When a non-residential customer/utility dispute cannot be resolved between the parties, after the complaint has proceeded through the utility's resolution process, the utility shall refer the complainant to the Commission's Office of Consumer Services.
- 1800.8 When a non-residential customer contacts the Office of Consumer Services, the Office shall do the following:
- (a) Answer inquiries regarding non-residential utility service and make information available concerning the procedures for resolving disputes;

- (b) Assist in the informal resolution of non-residential customer complaints and disputes which have not been resolved under the utility's own procedures; and
 - (c) Adjudicate non-residential customer complaints concerning matters within the Commission's jurisdiction which cannot be resolved informally.
- 1800.9 Any present or prospective non-residential customer may file a complaint with the Commission regarding service, terms, and conditions of service, or a utility bill, within ninety (90) days from the date the utility refers the complainant to the Office of Consumer Services under §1800.7.
- 1800.10 In all cases where the complaint has not proceeded through the utility's resolution process, the matter shall be referred to the utility for an attempt at direct resolution. The utility shall report the results of such referrals to the Office of Consumer Services within fourteen (14) calendar days of the referral.
- 1800.11 If the complaint has not been resolved by the customer and the utility, the Office of Consumer Services shall review the efforts made by the utility to resolve the complaint and make a further effort through mediation to resolve it informally. This additional resolution effort shall not exceed five (5) business days.
- 1800.12 If the complaint is not resolved informally, either by the utility's complaint process or by the Office of Consumer Services' efforts, upon request by the customer, the matter shall be set for informal hearing.
- 1800.13 The non-residential customer shall have fourteen (14) days after the mediation process to request an informal hearing.

AUTHORITY: Unless otherwise noted, the authority for this chapter is Paragraph 97(b) of §8 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977); as amended by §2 of the Public Utilities Amendment Act of 1989, D.C. Law 8-47, D.C. Code §43-501 (1981 Ed.).

SOURCE: Final Rulemaking published at 33 DCR 1925 (March 28, 1986).

1801 NON-RESIDENTIAL COMPLAINT HEARING PROCEDURES

- 1801.1 A hearing, where necessary, shall commence within twenty (20) days of the formal request for hearing. Except in special cases, hearings shall be conducted during business hours of the Commission. The Commission shall designate a hearing officer, who shall not have investigated the complaint.
- 1801.2 The Office of Consumer Services shall provide notice of hearing by personal delivery or by first class mail to the complainant, to any affected guarantor, and to the utility. The notice shall include a copy of the customer's written complaint. The notice shall also state the potential consequences of failure to appear for a hearing.

- 1801.3 Service shall be made at least ten (10) days prior to the hearing date unless the parties agree on a shorter time. When service is by mail, the service date is the date of mailing and service shall be made at least ten (10) days prior to the hearing date.
- 1801.4 The hearing officer may reschedule any hearing for good cause shown, or, upon notice and for good cause shown, at the request of any party.
- 1801.5 In the event the complainant fails to attend a scheduled hearing without good cause, the hearing officer may dismiss the complaint (with or without prejudice at the discretion of the hearing officer), hear evidence and render a decision, or reschedule the hearing within ten (10) days.
- 1801.6 In the event a utility fails to attend a scheduled hearing without good cause, the hearing officer may hear evidence and render a decision.
- 1801.7 In the event a guarantor fails to attend a scheduled hearing without good cause, he or she shall be precluded from contesting any matter which was raised at the hearing, or may have been raised at the hearing.
- 1801.8 Upon a reasonable request from each other or the Office of Consumer Services, the parties shall timely provide all information they have relevant to the matters at issue in the complaint, including relevant documents, account data, files and the names of witnesses.
- 1801.9 Parties may examine any public records of the Commission.
- 1801.10 Parties may represent themselves or be represented by counsel or any other person who may represent a party under §110 of Chapter 1 of this title; Provided, that any individual appearing before the hearing officer in a representative capacity may be required to establish authority to act in that capacity.
- 1801.11 Parties shall have the right to present evidence, call witnesses, and present written and oral argument. When directed by the hearing officer, parties shall file briefs no later than fifteen (15) days after the close of the hearings.
- 1801.12 Witnesses shall testify under oath, and the parties and the hearing officer shall have the right to examine and cross-examine all witnesses.
- 1801.13 The hearing officer shall have the discretion to limit any line of questioning to what may be required for a full and true disclosure of the facts and to limit the time for argument.
- 1801.14 Unless otherwise ordered by the hearing officer, the complainant's witnesses shall testify first, followed by the utility's witnesses. A reasonable opportunity will be afforded all parties to present rebuttal evidence.
- 1801.15 After the parties have completed their presentation of evidence, the hearing officer may call upon any witness for testimony upon any issue.

- 1801.16 The hearing officer shall be obligated to ensure that all material facts are developed to the fullest extent consistent with his or her responsibility to preside impartially over the hearing.
- 1801.17 The formal rules of evidence shall not apply, but the hearing officer shall exclude irrelevant or unduly repetitious evidence.
- 1801.18 Parties may stipulate to any facts and such stipulation may be put in evidence.
- 1801.19 All proceedings shall be recorded. The transcriptions shall promptly be made available to any party upon request, at the party's expense. Every Commission prepared transcript shall be certified by the hearing officer. Any party may, at its expense, provide for transcription of the proceedings by a certified court reporter in place of recording, in which case, that transcription shall be the official record.

SOURCE: Final Rulemaking published at 33 DCR 1925, 1927 (March 28, 1986).

1802 DECISIONS AND APPEALS

- 1802.1 Within twenty (20) days after the close of the hearing, the hearing officer shall issue a written decision which states the issues, summarizes the evidence and makes findings of fact, conclusions of law, and a proposed disposition of the matter.
- 1802.2 In cases involving billing disputes in which the hearing officer has concluded that all or part of the amount in dispute is owed, the hearing officer may, for good cause stated in the decision, direct that the amount found outstanding be paid in installments.
- 1802.3 Copies of the hearing officer's decision shall be served upon the parties either personally or by regular mail on the day the decision is issued together with instructions on how to appeal the decision to the Commission and indicating the last date the appeal may be filed.
- 1802.4 The decision of the hearing officer shall be final, if there is no appeal to the Commission within the time specified.
- 1802.5 Any party may appeal the hearing officer's decision to the Commission within thirty (30) days of personal service and thirty-five (35) days of service by mail of the decision.
- 1802.6 The appeal shall be signed by the party, identify the decision appealed from, and specify the grounds on which it is based.
- 1802.7 The Commission's Secretary shall serve a copy of any appeal filed upon the opposing party on the day it is filed. Service may be made personally or by first class mail.
- 1802.8 The opposing party's response or counter-appeal shall be filed within ten (10) days of personal service and fifteen (15) days of service by mail.

- 1802.9 Within twenty (20) days of the filing an appeal, the record shall be prepared for review by the Commission.
- 1802.10 The Commission shall review the decision within sixty (60) days after the record is prepared.
- 1802.11 Upon review of the record, and after giving consideration to the matters raised on appeal, the Commission shall do one of the following:
- (a) Adopt the decision of the hearing officer;
 - (b) Issue a Commission decision;
 - (c) Return the matter to the hearing officer for further proceedings; or
 - (d) Schedule the matter for hearing or argument before the Commission.
- 1802.12 Review of a final Commission decision shall be pursuant to D.C. Code §§43-904, 43-905 (1981 Ed.).

SOURCE: Final Rulemaking published at 33 DCR 1925, 1929 (March 28, 1986).

1899 DEFINITIONS

- 1899.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Commercial Customer - a non-residential customer of a utility. Non-residential customers shall include electric customers served from the master-metered apartment tariff.

Complainant - a non-residential customer who files a complaint regarding utility service with a utility or the Public Service Commission of the District of Columbia.

Office of Consumer Services - that division within the Public Service Commission of the District of Columbia which has been designated to handle customer complaints against utilities in accordance with this chapter.

SOURCE: Final Rulemaking published at 33 DCR 1925, 1930 (March 28, 1986).

